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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,889	06/24/2003	Hideya Miura	D-1459	1279
32628	7590	09/15/2004	EXAMINER	
HAUPTMAN KANESAKA BERNER PATENT AGENTS SUITE 300, 1700 DIAGONAL RD ALEXANDRIA, VA 22314-2848			WOOD, KIMBERLY T	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/601,889	MIURA ET AL.	
	Examiner	Art Unit	
	Kimberly T. Wood	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/24/03 & 1/12/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

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This is an office action for serial number 10601889,
entitled Clamp, filed on June 24, 2003.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a second elastic piece extending from a wall opposite of the inner wall of the first clamp portion, does not reasonably provide enablement for a second elastic piece extending from the inner wall of the first clamp portion. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a third elastic piece extending from a wall opposite the inner wall of the first clamp portion, does not reasonably provide enablement

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for a third elastic piece extending from the inner wall of the first clamp portion. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kraus 5,947,426. Kraus discloses a fitting portion (3), a first clamp portion (2) being U-Shaped with an inner wall (8'), a first receiving portion (26), a second receiving portion (21'), a first elastic piece (27), a stopper (25'), a second elastic piece (27 opposite other 27), a second clamp portion (2'') including a fourth receiving portion (21'') and a fourth elastic piece (25'') extending toward a center of the fourth receiving portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraus 5,947,426 in view of Hahn 6,565,049. Kraus discloses all of the limitations of the claimed invention except for the third elastic piece, the first clamp having an elasticity, a third receiving portion disposed at a middle of the second clamp portion, and a second elastic piece. Hahn teaches that it is known to have a fitting portion (5), a first (7) and second clamp portions (8), comprising first receiving portion, a second receiving portion, third receiving portion at a middle, stopper, and elastic pieces (see figure 1). It would have been obvious to one having ordinary skill in the art to have modified Kraus to have included the third elastic piece, a third elastic piece, a third receiving portion disposed at a middle of the second clamp portion, and a second elastic piece extending from a an inner wall of the second clamp portion as

taught by Hahn to provide additional means for securing additional cables or tubes to the holding element.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraus 5,947,426 in view of Chiorboli DE 19752525. Kraus discloses all of the limitations except for the first clamp portion having elasticity. Chiorboli teaches that it is known to have a first clamp portion having elasticity. It would have been obvious to one having ordinary skill in the art to have modified Kraus to have made the holder of an elastic plastic as taught by Chiorboli for the purpose of providing a holder that allows easy insertion of tubes or cables into the holder due to the elasticity of the plastic.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraus in view of Okuda 3,913,187. Kraus discloses all of the limitations of the claimed invention except for the stopper having an other end extending toward the first receiving portion. Okuda teaches that it is known to have a stopper having base with a holding piece having one end extend in one direction and the other end extending in the opposite direction (5). It would have been obvious to one having ordinary skill in the art to have modified Kraus to have the stopper shaped as taught by for the purpose of providing a better means for preventing the cable or tube from accidental removal.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional clamps for tubes or cables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0538. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

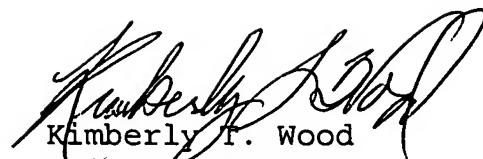
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kimberly F. Wood

Primary Examiner

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September 7, 2004